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B I L L

FOR

The Purchase of Irish Railways.

A.D. 1872.

WHEREAS it would be attended with great advantage to the State as well as to merchants and traders, and to the public generally, if the railways in Ireland belonged to the State, and to that end it is expedient that the Board of Trade be empowered to
5 acquire, work, and maintain the railways in Ireland :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 10 1. This Act may be cited as " The Irish Railway Act, 1872." Short title.
2. " The Lands Clauses Consolidation Act, 1845," " The Lands
" Clauses Consolidation Acts Amendment Acts, 1860 and 1865," Incorporation of Acts.
" The Railways Clauses Consolidation Act, 1845," " The Railways
Act (Ireland) 1851," and " The Railways Act (Ireland) 1864,"
15 excepting such of the provisions of these Acts as are varied by or
repugnant to any of the provisions of this Act, and with the
following exceptions, additions, and provisions, (that is to say),
- (1.) There shall not be incorporated with this Act the sections
20 and provisions of " The Lands Clauses Consolidation Act,
1845," herein-after mentioned, that is to say, the sections
whereby it is provided that the capital is to be subscribed
before the compulsory powers are to be put in force, the
sections whereby it is provided that the certificate of two
25 justices, as the case may be, shall be evidence that the
capital has been subscribed, or the provisions in any of
the said Acts relating to access to the special Act.
- (2.) The provisions of any of the incorporated Acts which require
the assent of the Board of Trade to something being done,
are not incorporated in this Act.
- 80 (3.) The provisions of any of the incorporated Acts authorising
the company or promoters of the undertaking to do any

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particular act with the assent of the Board of Trade may be done by the Board of Trade.

- (4.) No forfeiture or penalty attached to any company by the incorporated Acts, or by any special Act relating to such company by reason of the non completion within the 5 period limited by any Act of any railway or works, shall attach to the Board of Trade as regards any railway purchased by them.
- (5.) The provisions of the Lands Clauses Consolidation Act, or any other Act, or the provision of any special Act relating 10 to any undertaking purchased by the Board of Trade, limiting the time for compulsory purchase of lands or for the completion of works, shall be read as if the same periods were unlimited, and the Board of Trade may exercise such powers at any time, notwithstanding such 15 limitations in the said Acts.
- (6.) The Board of Trade may in all cases consent to arbitration for the settlement of any matters relating to any matter arising out of or in consequence of this Act.

Interpreta-
tion of terms.

3. Terms to which meanings are assigned by this or the Acts 20 incorporated herewith have in this Act the same respective meanings, unless there be something in the subject or context repugnant to or inconsistent with such construction, or repugnant to the provisions of this Act.

The terms "the Board of Trade" shall mean the Lords of the 25 Committee of Her Majesty's Privy Council appointed for trade and foreign plantations; "the undertaking" shall mean the whole or any part of the undertaking of any railway company in Ireland, and the lands, tenements, hereditaments, and buildings, and other rights, powers, privileges belonging to any such company, and shall 30 include engines, carriages, waggons, trucks, and plant of every description belonging to any such company, and all other property whatsoever of any such company.

The term "any company" shall mean any company incorporated by Act of Parliament for the purpose of making and maintaining 35 any railway in Ireland; the term "the promoters of the undertaking" and "the company" shall mean the Board of Trade; the term "the special Act" shall mean this Act.

Purchase of
undertakings.

4. *It shall be lawful for the Board of Trade, and they are hereby authorized, with the consent of the Lords Commissioners of Her 40 Majesty's Treasury, from time to time, out of any moneys which may from time to time be appropriated by Act of Parliament, and put*

at their disposal for that purpose, to purchase for the purposes of this Act the whole or such parts as they shall think fit of the undertaking of any company, and any undertaking and all other property purchased under the powers of this Act shall be vested in and held by the Board of Trade in their corporate capacity, and their successors.

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Provided always, that no such purchase be made, and that no agreement for any such purchase be binding, unless the said agreement, accompanied by a minute from the Commissioners of Her Majesty's Treasury, in which the grounds of the agreement shall be set forth, shall have lain for one month on the table of both Houses of Parliament without disapproval, and unless an Act shall be passed or hereinafter provided, putting at the disposal of the Board of Trade sufficient moneys to carry the same into effect.

5. Any company, with the authority of two thirds of the votes of their shareholders present, in person or by proxy, at a general meeting of the company specially convened for the purpose, may sell all or any portion of their undertaking to the Board of Trade for such sum of money as may be mutually agreed upon between the Board of Trade and the company, and the execution by any company, under their common seal, of a conveyance to the Board of Trade of their undertaking, shall be sufficient to vest the same in the Board of Trade for all the estate, right, title, and interest of the company therein, with all incidental rights and privileges, and the same may be used, exercised, and enjoyed by the Board of Trade in the same manner and to the same extent as the same respectively are, or if this Act had not been passed might be, held, used, exercised, and enjoyed by any company; and the receipt of two of the directors of any company for the purchase money endorsed upon the deed of conveyance shall be a sufficient discharge for the same to the Board of Trade, who shall not be bound to see to the distribution thereof.

Power to
railway com-
panies to
sell their
undertakings
to the
Board of
Trade.

6. All acts and all valid deeds and agreements made to, from, by, or with any company whose undertaking shall be sold and conveyed to the Board of Trade under the powers of this Act shall (except as far as they are by this Act expressed to be varied, or repealed, or are inconsistent with the provisions of this Act,) remain in full force, and all matters to be done, continued, or completed, or which but for the passing of this Act would, might, or could be done, continued, or completed, by or against the company so selling their undertaking, their officers or servants, shall or may (as the case requires) be done, continued, or completed by or against the

Acts, &c. of
companies
selling their
undertakings
to remain in
force, and
the powers
thereof to be
exercised by
the Board
of Trade.

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Board of Trade, their officers and servants, and these acts, deeds, and agreements shall be construed as if the Board of Trade had been named therein, instead of the company so selling their undertaking; and it shall be lawful for any person to enforce any such act, deed, or agreement by action, suit, or other legal proceeding 5 against the Board of Trade in the same court, and in the same manner, and with the same rights and liabilities to pay costs, and otherwise, as if this Act had not been passed.

Settlement
of price by
arbitration.

7. In case the Board of Trade shall have agreed to purchase, and any company shall have agreed to sell their undertaking to the 10 Board of Trade, and any such company failing, terms of purchase being agreed upon, to have the same settled by arbitration in manner prescribed by the Companies Clauses Consolidation Act, 1845, with respect to the settlement of disputes by arbitration, and the provisions of that Act with respect to arbitration shall be 15 deemed to be incorporated with this Act.

Purchase
money to
be paid to
directors.

8. In case the Board of Trade shall have agreed to purchase, and any company shall have agreed to sell their undertaking, the purchase money and compensation to be paid by the Board of Trade shall be paid to the directors of each company, and the 20 receipt under the common seal of the company, countersigned by the chairman or deputy chairman and by the secretary thereof, shall be a sufficient discharge to the Board of Trade for the amount therein specified to be received, and the Board of Trade shall not be required to see to the application of the sums so paid, or be 25 responsible for misapplication thereof.

Disposal of
purchase
money.

9. The amount so received by the directors of each company shall, together with all undivided profits and any moneys in the hands of or due to the company up to the date of transfer, be applied by them in the first place in discharge of all the debts of the 30 same company according to the legal priorities thereof; and after such discharge, the residue shall be distributed among the shareholders of that company in such proportion and in such manner in all respects as the arbitrator herein-after named shall award and determine after due consideration of the value of each class of stock 35 or shares, and after hearing such of the parties interested as shall upon notice of the appointment for that purpose advertised for two successive weeks in the Dublin Gazette and in the London Gazette, the last day of publication being at least ten days before the day of such hearing, appear and desire to be heard. The arbitrator before 40 referred to shall be Joseph S. Piskbourne, Esquire, or him failing, a single arbitrator to be appointed by the Board of Trade at the

request of the directors of each company in writing under its common seal; the award of such arbitrator shall be final and absolute, and the directors shall distribute among the shareholders the residue of the said purchase money, and compensation in strict and absolute conformity with such award; and all the costs, charges, and expense of, and incident to, any and every such arbitration, including a reasonable honorarium to the arbitrator, shall be paid by the company requiring the same.

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10. When and so soon as the debts and liabilities of the companies whose undertakings shall have been purchased by the Board of Trade shall have been fully paid and satisfied, and the assets of these companies shall have been distributed in manner herein provided, and their affairs wound up, the directors of each such company shall give notice thereof in the Dublin Gazette, and after a day to be named for that purpose in such notice, the company shall be by this Act dissolved and shall cease to exist.

Companies to be dissolved.

11. In every case in which any company shall neglect or fail to assure or to procure all other necessary and proper parties to concur in assuring to the Board of Trade, free from all mortgage and other debts, any undertaking which shall have been purchased by them under the provisions of this Act, it shall be lawful for the Board of Trade to deposit the purchase money which shall have been agreed or awarded to be paid in respect of such undertaking in the Bank to the credit of such company, and the incumbrancers thereof (if any), in manner provided by the seventy-sixth section of the Lands Clauses Consolidation Act, 1845, with respect to moneys deposited under that section, and thereupon such undertaking shall absolutely vest in the Board of Trade free from all mortgage or other debts of such company; and the moneys so deposited shall be dealt with in manner provided by the said Act with respect to moneys deposited in pursuance of the said seventy-sixth section of that Act.

Purchase money to be paid into the Bank in certain events.

12. Copies of all contracts, agreements, and arrangements from time to time made under the authority of this Act for the purchase of any railway in Ireland shall be laid before both Houses of Parliament within fourteen days from the date thereof if Parliament be then sitting, and if not sitting, then within fourteen days from the next re-assembling of Parliament.

Copies of contracts, &c., to be laid before Parliament.

13. From and after the transfer of any undertaking to the Board of Trade, the Board may exercise all powers vested in the company from whom the undertaking was purchased, and all the powers

Board of Trade to exercise powers of companies.

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conferred on them by this Act and the Board of Trade shall, as regards all unexercised powers vested in any company in reference to the taking of lands compulsorily, or in reference to the execution of unfinished works, and in every other respect, stand in lieu of the company from whom the undertaking was purchased; and as regards all unexercised powers the word "company" in any Act of Parliament in reference to any undertaking acquired by the Board of Trade shall be read, subject to the provisions of this Act in all respects, as if the same were the Board of Trade.

Board of
Trade to
work rail-
ways.

14. The Board of Trade shall hold, work, use, and maintain any undertaking purchased by them, and appoint all necessary officers and servants, and may do every act necessary in reference to the undertaking, and may exercise all the powers conferred upon any company with respect to such undertaking, and all the powers conferred on them by this Act, and may levy such tolls, rates, and charges as they shall think fit, not exceeding the tolls, rates, and charges authorized by the special Act of the company relating to such undertaking, and may from time to time make, with the consent of the Commissioners of Her Majesty's Treasury, such byelaws and regulations as they think fit for the purpose of regulating the conduct of the officers and servants employed by them, and providing for the due management and working of the railways acquired by them, and the traffic thereon, and may from time to time alter or repeal any such byelaws and regulations, and make others; and by such byelaws and regulations may impose reasonable penalties upon all persons as well as officers or servants under them as other persons whatsoever.

Byelaws and
regulations
to be laid
before Par-
liament

15. A copy of all byelaws and regulations which may be made by the Board of Trade, with the consent of the Commissioners of Her Majesty's Treasury under the preceding section, shall be laid before both Houses of Parliament within fourteen days from the date thereof if Parliament be then sitting, and if not sitting, then within fourteen days from the next re-assembling of Parliament.

Application
of revenue.

16. The gross revenue received by the Board of Trade from the railways or property purchased by them, or in any way arising under the provisions of this Act, shall be paid into the Exchequer to the account of the Consolidated Fund; and the expenses incurred, with the sanction of the Commissioners of Her Majesty's Treasury, in working, maintaining, or extending railways in Ireland shall be paid out of the moneys to be voted by Parliament.

Power to
Board of
Trade to
lease prop-
erty.

17. It shall be lawful to the Board of Trade, with the consent of the Lords Commissioners of Her Majesty's Treasury, from time to time

to lease any part or parts of any railway or property purchased or acquired by them under the powers of this Act. A.D. 1872.

18. All railways, land, property, and undertakings purchased or acquired by the Board of Trade under this Act shall be assessable and rateable in respect to local, municipal, and parochial rates, assessments, and charges, at sums not exceeding the rateable value at which such railways, land, property, and undertakings were properly assessed or assessable at the time of such purchase or acquisition. *Board of Trade to pay rates, &c.*

19. In every case where an offence shall be committed in respect of any property acquired by the Board of Trade under this Act, it shall be lawful and sufficient in the indictment or criminal letters to be preferred against the offender to lay the property in the Board of Trade without specifying any further or other name, addition, or description whatsoever; and in any indictment or in any criminal letters to be preferred against any person employed under the Board of Trade for any offence committed under this Act, it shall be lawful and sufficient to state and allege that such offender was employed under the Board of Trade at the time of the committing of such offence, without stating further the nature or particulars of his employment. *As to offence.*

20. No deed or other instrument which shall be made or executed by, to, or with the Board of Trade or otherwise, for any of the purposes of this Act, shall be subject or liable to any stamp duty imposed by any Act now in force, nor to any stamp duty to be imposed by any future Act, unless such instruments be specially subjected and specially charged therewith by any future Act. *Deeds to be exempt from stamp duty.*

21. In case no Act shall be passed during this or the next session of Parliament putting at the disposal of the Board of Trade such moneys as shall be requisite for carrying into effect the objects and purposes of this Act, any agreements or arrangements made between the Board of Trade and any company under the provisions of this Act, and all proceedings thereunder, shall become void, and the Board of Trade shall thereupon pay to the several companies who may have entered into agreements to sell their undertakings all reasonable costs and expenses properly incurred by them respectively in relation thereto. *Agreements to purchase railways void in certain events.*

Railways (Ireland).

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For the Purchase of Irish Railways.

(Prepared and brought in by
Sir Richard Bouverton and the
Marquis of Hertford.)

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